



ADMINISTRATION

**OFFICE OF THE DEPUTY CHIEF MANAGEMENT OFFICER**

9010 DEFENSE PENTAGON  
WASHINGTON, DC 20301-9010

FEB 20 2015

MEMORANDUM FOR GROUP FEDERAL OFFICER  
OFFICE OF THE SECRETARY OF THE ARMY

SUBJECT: Missouri River (South Dakota) Task Force – Charter Renewal and Membership  
Balance Plan Approval

The charter renewal and membership balance plan for the Missouri River (South Dakota) Task Force (“the Task Force”) are approved. A copy of the Task Force’s charter and membership balance plan will be provided to you and the Task Force’s Designated Federal Officer once I file the charter with the Defense Congressional Oversight committees, the Library of Congress, and the General Services Administration.

As the Group Federal Officer (GFO), you are responsible to the Secretary of the Army for:

- (a) Ensuring that the Task Force’s DFO attends all Task Force and subcommittee meetings for the entire duration of each and every meeting.
- (b) Ensuring that the DFO and the Task Force fully comply with all governing Federal statutes and regulations, DoD Instruction 5105.04, “Department of Defense Federal Advisory Committee Management Program,” policy decisions by the Secretary of Defense, the Deputy Secretary of Defense or the Deputy Chief Management Officer, and procedural guidelines issued by the Advisory Committee Management Officer.
- (c) Ensuring that all work done by the Task Force and its subcommittees is based upon written tasks or terms of reference (ToR) assigned to the Task Force by the Secretary of Defense, the Deputy Secretary of Defense, or the Secretary of the Army. As a minimum, written tasks or ToRs, shall include:
  - i. A description of the problem or policy to be analyzed and the DoD decision maker for the matter(s) under consideration.
  - ii. Authority for the members of the Task Force or its subcommittees to access DoD officials and DoD data that is pertinent to the matter(s) under consideration.
  - iii. A budget limitation under which the Task Force or its subcommittees must operate.
  - iv. A date by which the Task Force must submit its written conclusions (advice and recommendations) to the DoD decision maker.
- (d) Providing adequate support to the Task Force and its subcommittees, and ensuring that the Task Force and its subcommittees are not unduly or inappropriately influenced by Federal employees or any special interest group.

- (e) Ensuring that all DoD and other Federal Agency documents provided to the Task Force or its subcommittees are properly marked according to governing statutes, regulations, and DoD policies and procedures.
- (f) Monitoring the implementation status of any recommendation adopted or partially adopted by the Department of the Army and ensuring the Department of the Army provides feedback on all Task Force recommendations.

Based on the Secretary of Defense's memorandum of October 9, 2012, concerning advisory committees, we recommend you continually reevaluate the Task Force's functions and reduce, where appropriate, the Task Force's operating costs. As the Secretary indicated, we must continually assess our advisory committees to ensure that they deliver appropriate value today and in the future as times and requirements change.

If you should have any questions about this DoD Program, the Federal governance and compliance requirements, the charter renewal, or the membership balance plan, please contact me at 703-692-5952 or by email at [james.d.freeman4.civ@mail.mil](mailto:james.d.freeman4.civ@mail.mil).

A handwritten signature in black ink, appearing to read "James D. Freeman II", with a stylized flourish extending from the end.

James D. Freeman II  
Advisory Committee Management Officer

**TAB A**

Charter  
Missouri River (South Dakota) Task Force

1. Committee's Official Designation: The Committee will be known as the Missouri River (South Dakota) Task Force ("the Task Force").
2. Authority: The Secretary of Defense, pursuant to section 905(a) of the Missouri River Restoration Act of 2000 ("the Missouri River Restoration Act") (Title IX of Public Law 106-541, the Water Resources Development Act of 2000) and in accordance with the Federal Advisory Committee Act (FACA) of 1972 (5 U.S.C., Appendix, as amended) and 41 C.F.R. § 102-3.50(a), established the Task Force
3. Objectives and Scope of Activities: The Task Force shall provide independent advice and recommendations on plans and projects to reduce siltation of the Missouri River in the State of South Dakota, as directed by section 905 of the Missouri River Act and as set out in paragraph 4 below.
4. Description of Duties: The Task Force shall provide independent advice and recommendations to the Secretary of the Army on plans and projects to reduce siltation of the Missouri River in the State of South Dakota and to meet the objectives of the Pick-Sloan Missouri River Basin Program authorized by section 9 of the Flood Control Act of December 22, 1944 (58 Stat. 891). Specifically, the Task Force shall:
  - a. Prepare and approve, by a majority of the members, a plan for the use of the funds made available under the Missouri River Restoration Act, to promote:
    - i. conservation practices in the Missouri River watershed;
    - ii. the general control and removal of sediment from the Missouri River;
    - iii. the protection of recreation on the Missouri River from sedimentation;
    - iv. the protection of Indian and non-Indian historical and cultural sites along the Missouri River from erosion;
    - v. erosion control along the Missouri River; or
    - vi. any combination of the activities just described;
  - b. Review projects to meet the goals of the plan and recommend, to the Secretary of the Army, critical restoration projects for implementation; and
  - c. Determine whether these critical restoration projects primarily benefit the Federal Government for purposes of cost-sharing.

The Task Force may, on an annual basis, revise the plan and shall provide the public with the opportunity to review and comment on any proposed revision to the plan

5. Agency or Official to Whom the Committee Reports: The Task Force shall report to the Secretary of the Army and the U.S. Army Corps of Engineers. The Secretary of the Army may act upon the Task Force's advice and recommendations.
6. Support: The Department of Defense (DoD), through the Secretary of the Army, the Assistant Secretary of the Army for Civil Works, and the U.S. Army Corps of Engineers, shall provide support, as deemed necessary, for the performance of the Task Force's

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functions and shall ensure compliance with the requirements of the FACA, the Government in the Sunshine Act of 1976 (5 U.S.C. § 552b, as amended) (“the Sunshine Act”), governing Federal statutes and regulations, and established DoD policies and procedures.

7. Estimated Annual Operating Costs and Staff Years: The estimated annual operating cost, to include travel, meetings, and contract support, is approximately \$56,000. The estimated annual personnel cost to the DoD is .5 full-time equivalent.
8. Designated Federal Officer: The Task Force's Designated Federal Officer (DFO), pursuant to DoD policy, shall be a full-time or permanent part-time DoD employee appointed according to governing DoD policies and procedures.

The Task Force's DFO is required to be in attendance at all meetings of the Task Force and any subcommittees for the entire duration of each and every meeting. However, in the absence of the Task Force's DFO, a properly approved Alternate DFO, duly appointed to the Task Force according to established DoD policies and procedures, shall attend the entire duration of all meetings of the Task Force and its subcommittees.

The DFO, or the Alternate DFO, shall call all meetings of the Task Force and its subcommittees; prepare and approve all meeting agendas; and adjourn any meeting when the DFO, or the Alternate DFO, determines adjournment to be in the public interest or required by governing regulations or DoD policies and procedures.

9. Estimated Number and Frequency of Meetings: The Task Force shall meet at the call of the Task Force's DFO, in consultation with the Task Force's Chair. The estimated number of Task Force meetings is at least twice each year.
10. Duration: The need for this advisory function is on a continuing basis; however, this charter is subject to renewal every two years.
11. Termination: The Task Force shall terminate upon rescission of section 905 of the Missouri River Restoration Act.
12. Membership, Designation, and Compensation: As prescribed by sections 904 and 905(b) of the Missouri River Act, the Task Force shall be composed of 29 members. Specifically, the Task Force membership shall be composed of:
  - a. The Secretary of the Army or designee, who shall serve as the Chair;
  - b. The Secretary of Agriculture or designee;
  - c. The Secretary of Energy or designee;
  - d. The Secretary of the Interior or designee; and

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- e. The Missouri River Trust ("the Trust), which is composed of 25 members to be appointed by the Secretary of the Army, including:
  - i. Fifteen members recommended by the Governor of South Dakota that represent equally the various interests of the public and include representatives of
    1. the South Dakota Department of Environment and Natural Resources;
    2. the South Dakota Department of Game, Fish, and Parks;
    3. environmental groups,
    4. the hydroelectric power industry,
    5. local governments,
    6. recreation user groups,
    7. agricultural groups, and
    8. other appropriate interests;
  - ii. Nine members, one of each of whom shall be recommended by each of the nine Indian tribes in the State of South Dakota; and
  - iii. One member recommended by the organization known as the "Three Affiliated Tribes of North Dakota" (composed of the Mandan, Hidatsa, and Arikara tribes).

The members of the Trust shall be appointed by the Secretary of the Army, in consultation with the Secretary of Defense or the Deputy Secretary of Defense, to serve as representative members to the Task Force pursuant to 41 C.F.R. § 102-3.130(a). Those individuals who are full-time or permanent part-time Federal officers or employees shall be appointed to serve as regular government employee (RGE) members pursuant to 41 C.F.R. § 102-3.130(a).

All representative members of the Trust shall be appointed for a two-year term of service; and no member, unless authorized by the Secretary of Defense upon request of the Secretary of the Army, may serve more than two consecutive terms of service. In addition, all Task Force members shall serve without compensation, with the exception of reimbursement for official Task Force-related travel and per diem.

- 13. Subcommittees: The Department, when necessary and consistent with the Task Force's mission and DoD policies and procedures, may establish subcommittees, task forces, or working groups to support the Task Force. Establishment of subcommittees will be based upon a written determination, to include terms of reference, by the Secretary of Defense, the Deputy Secretary of Defense, or the Secretary of the Army, as the Task Force's Sponsor.

Such subcommittees shall not work independently of the Task Force and shall report all of their recommendations and advice solely to the Task Force for full and open deliberation and discussion. Subcommittees, task forces, or working groups have no authority to make decisions and recommendations, verbally or in writing, on behalf of the Task Force. No subcommittee or any of its members can update or report, verbally or in writing, on behalf of the Task Force, directly to the DoD or any Federal officers or employees.

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The Secretary of Defense or the Deputy Secretary of Defense may approve the appointment of subcommittee members for a two-year term of service, with annual renewals; however, no member, unless authorized by the Secretary of Defense, may serve more than two consecutive terms of service. These individuals may come from the Task Force or may be new nominees, as recommended by the Secretary of the Army and based upon the subject matters under consideration.

Subcommittee members, if not full-time or permanent part-time Federal employees, shall be appointed as experts or consultants pursuant to 5 U.S.C. § 3109 to serve as special government employee members. Those individuals who are full-time or permanent part-time Federal officers or employees shall be appointed pursuant to 41 C.F.R. § 102-3.130(a) to serve as RGE members. With the exception of reimbursement for official Task Force-related travel and per diem, subcommittee members shall serve without compensation.

Each subcommittee member is appointed to provide advice to the Government on the basis of his or her best judgment without representing any particular point of view and in a manner that is free from conflict of interest.

All subcommittees operate under the provisions of the FACA, the Sunshine Act, governing Federal statutes and regulations, and established DoD policies and procedures.

14. Recordkeeping: The records of the Task Force and its subcommittees shall be handled according to section 2, General Records Schedule 26 and governing DoD policies and procedures. These records shall be available for public inspection and copying, subject to the Freedom of Information Act of 1966 (5 U.S.C. § 552, as amended).
15. Filing Date: February 22, 2015

**TAB B**



Membership Balance Plan  
Missouri River (South Dakota) Task Force

Agency: Department of Defense (DoD)

1. Authority: The Secretary of Defense, pursuant to section 905(a) of the Missouri River Restoration Act of 2000 (“the Missouri River Restoration Act”) (Title IX of Public Law 106-541, the Water Resources Development Act of 2000) and in accordance with the Federal Advisory Committee Act (FACA) of 1972 (5 U.S.C., Appendix, as amended) and 41 C.F.R. § 102-3.50(a), established the Missouri River (South Dakota) Task Force (“the Task Force”).
2. Mission/Function: The Task Force shall provide independent advice and recommendations to the Secretary of the Army on plans and projects to reduce siltation of the Missouri River in the State of South Dakota and to meet the objectives of the Pick-Sloan Missouri River Basin Program authorized by section 9 of the Flood Control Act of December 22, 1944 (58 Stat. 891). Specifically, the Task Force shall:
  - a. Prepare and approve, by a majority of the members, a plan for the use of the funds made available under the Missouri River Restoration Act, to promote
    - a. conservation practices in the Missouri River watershed;
    - b. the general control and removal of sediment from the Missouri River;
    - c. the protection of recreation on the Missouri River from sedimentation;
    - d. the protection of Indian and non-Indian historical and cultural sites along the Missouri River from erosion;
    - e. erosion control along the Missouri River; or
    - f. any combination of the activities just described;
  - b. Review projects to meet the goals of the plan and recommend, to the Secretary of the Army, critical restoration projects for implementation; and
  - c. Determine whether these critical restoration projects primarily benefit the Federal Government for purposes of cost-sharing.

The Task Force may, on an annual basis, revise the plan and shall provide the public with the opportunity to review and comment on any proposed revision.

3. Points of View: As prescribed by section 905(b) of the Missouri River Act, the Task Force shall be composed of 29 members. Specifically, the Task Force membership shall be composed of:
  - a. The Secretary of the Army or designee, who shall serve as the Chair;
  - b. The Secretary of Agriculture or designee;
  - c. The Secretary of Energy or designee;
  - d. The Secretary of the Interior or designee; and

Membership Balance Plan  
Missouri River (South Dakota) Task Force

- e. The Missouri River Trust (“the Trust”), which is composed of 25 members to be appointed by the Secretary of the Army, including:
  - i. Fifteen members recommended by the Governor of South Dakota that represent, equally, the various interests of the public and include representatives of
    1. the South Dakota Department of Environment and Natural Resources;
    2. the South Dakota Department of Game, Fish, and Parks;
    3. environmental groups;
    4. the hydroelectric power industry;
    5. local governments;
    6. recreation user groups;
    7. agricultural groups; and
    8. other appropriate interests;
  - ii. Nine members, one of each of whom shall be recommended by each of the nine Indian tribes in the State of South Dakota; and
  - iii. One member recommended by the organization known as the “Three Affiliated Tribes of North Dakota” (composed of the Mandan, Hidatsa, and Arikara tribes).

The members of the Trust shall be appointed by the Secretary of the Army to serve as representative members to the Task Force pursuant to 41 C.F.R. § 102-3.130(a). Those individuals who are full-time or permanent part-time Federal officers or employees shall be appointed to serve as regular government employee (RGE) members pursuant to 41 C.F.R. § 102-3.130(a).

- 4. Other Balance Factors: N/A
- 5. Candidate Identification Process: Individuals recommended for the Trust, in accordance with the Missouri River Restoration Act, as described in section three above, shall be appointed by the Secretary of the Army, in consultation with the Secretary of Defense or the Deputy Secretary of Defense, to the Task Force.

Prior to the formal nomination, the list of potential nominees undergoes a review by the Office of General Counsel of the Department of Defense and the Office of the Advisory Committee Management Officer to ensure compliance with the Missouri River Restoration Act, as well as Federal and DoD governance requirements, including compliance with the Task Force’s charter and membership balance plan. All members of the Trust shall be appointed for a two-year term of service, with annual renewals, and may serve no more than two consecutive terms of service on the Task Force, unless authorized by the Secretary of Defense upon the request of the Secretary of the Army.

- 6. Subcommittee Balance: The Department, when necessary, and consistent with the Task Force’s mission and DoD policies and procedures, may establish subcommittees deemed necessary to support the Task Force.

Membership Balance Plan  
Missouri River (South Dakota) Task Force

The Secretary of Defense or the Deputy Secretary of Defense may approve the appointment of subcommittee members for a two-year term of service with annual renewals; however, no member, unless authorized by the Secretary of Defense, may serve more than two consecutive terms of service. These individuals may come from the Task Force or may be new nominees, as recommended by the Secretary of the Army and based upon the subject matters under consideration.

Subcommittee members, who are not full-time or permanent part-time Federal officers or employees, shall be appointed as experts or consultants pursuant to 5 U.S.C. § 3109 to serve as special government employee members. Those individuals who are full-time or permanent part-time Federal employees will be appointed, pursuant to 41 C.F.R. § 102-3.130(a) to serve as RGE members. With the exception of reimbursement for official Task Force-related travel and per diem, subcommittee members shall serve without compensation.

7. Other: As nominees are considered for appointment to the Task Force, the DoD adheres to the Office of Management and Budget's Revised Guidance on Appointment of Lobbyists to Federal Advisory Committees, Boards, and Commissions (79 FR 47482; August 13, 2014) and the rules and regulations issued by the Office of Government Ethics.
8. Date Prepared: February 22, 2015

**TAB C**

Charter  
Missouri River (South Dakota) Task Force

1. Committee's Official Designation: The Committee shall be known as the Missouri River (South Dakota) Task Force ("the Task Force").
2. Authority: The Secretary of Defense, under the provisions of Section 905(a) of Title IX, the Missouri River Restoration Act of 2000, Public Law 106-541, the Federal Advisory Committee Act (FACA) of 1972 (5 U.S.C., Appendix, as amended), and 41 C.F.R. § 102-3.50(a), established the Task Force.
3. Objectives and Scope of Activities: The Task Force shall provide independent advice and recommendations on a plan and accompanying critical restoration projects to reduce siltation of the Missouri River in the State of South Dakota and to meet the objectives of the Pick-Sloan Program, as set out in Section 905 of the Missouri River Restoration Act of 2000 and in paragraph four below.
4. Description of Duties: The Task Force shall provide independent advice and recommendations to the Secretary of the Army on a plan and accompanying critical restoration projects to reduce siltation of the Missouri River in the State of South Dakota and to meet the objectives of the Pick-Sloan Program. Specifically, the Task Force shall:
  - a. Prepare and approve, by a majority of the members, a plan for the use of the funds made available under Public Law 106-541, to promote conservation practices in the Missouri River watershed, control and remove the sediment from the Missouri River, protect recreation on the Missouri River from sedimentation, protect Indian and non-Indian historical and cultural sites along the Missouri River from erosion, erosion control along the Missouri River, or any combination of the activities just described;
  - b. Develop and recommend to the Secretary of the Army for implementation, critical restoration projects meeting the goals of the plan; and
  - c. Determine whether these critical restoration projects primarily benefit the Federal Government for purposes of cost-sharing.
5. Agency or Official to Whom the Committee Reports: The Task Force shall report to the Secretary of the Army. The Secretary of the Army may act upon the Task Force's advice and recommendations.
6. Support: The Department of Defense (DoD), through the Secretary of the Army, the Assistant Secretary of the Army for Civil Works, and the U.S. Army Corps of Engineers, shall provide support, as deemed necessary, for the performance of the Task Force's functions and shall ensure compliance with the requirements of FACA, the Government in the Sunshine Act of 1976 (5 U.S.C. § 552b, as amended) ("the Sunshine Act"), governing Federal statutes and regulations, and established DoD policies and procedures.
7. Estimated Annual Operating Costs and Staff Years: The estimated annual operating cost, to include travel, meetings, and contract support, is approximately \$56,000.00. The estimated annual personnel cost to the DoD is 0.5 full-time equivalents.

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Missouri River (South Dakota) Task Force

8. Designated Federal Officer: The Task Force's Designated Federal Officer (DFO), pursuant to DoD policy, shall be a full-time or permanent part-time DoD employee, and shall be appointed, in accordance with established DoD policies and procedures.

The Task Force's DFO is required to be in attendance at all meetings of the Task Force and its subcommittees for the entire duration of each and every meeting. However, in the absence of the Task Force's DFO, a properly approved Alternate DFO, duly appointed to the Task Force according to DoD policies and procedures, shall attend the entire duration of all meetings of the Task Force or its subcommittees.

The DFO, or the Alternate DFO, shall call all of the Task Force's and subcommittees meetings; prepare and approve all meeting agendas; and adjourn any meeting when the DFO, or the Alternate DFO, determines adjournment to be in the public interest or required by governing regulations or DoD policies and procedures.

9. Estimated Number and Frequency of Meetings: The Task Force shall meet at the call of the Task Force's DFO, in consultation with the Chairperson. The estimated number of meetings by the Task Force is no less than two per year.
10. Duration: The need for this advisory function is on a continuing basis; however, this charter is subject to renewal every two years.
11. Termination: The Task Force shall terminate upon repeal of the statutory authority requiring the establishment of the Task Force, Section 905(a) of Title IX, the Missouri River Restoration Act of 2000, Public Law 106-541.
12. Membership, Designation, and Compensation: The Task Force, pursuant to Section 905(b) of the Missouri River Restoration Act of 2000, shall be composed of not more than 29 members. Specifically, the Task Force membership shall be composed of:
- a. Secretary of the Army or designee, who shall serve as the Chairperson;
  - b. Secretary of Agriculture or designee;
  - c. Secretary of Energy or designee;
  - d. Secretary of the Interior or designee; and
  - e. The Trust. The Trust is composed of 25 members to be appointed by the Secretary of the Army, including:
    - i. 15 members recommended by the Governor of South Dakota that:
      - 1. represent equally the various interests of the public; and
      - 2. include representatives of:
        - a. the South Dakota Department of Environment and Natural Resources;
        - b. the South Dakota Department of Game, Fish, and Parks;

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Missouri River (South Dakota) Task Force

- c. environmental groups;
  - d. the hydroelectric power industry;
  - e. local governments;
  - f. recreation user groups;
  - g. agricultural groups; and
  - h. other appropriate interests.
- ii. Nine members, one of each of whom shall be recommended by each of the nine Indian Tribes in the State of South Dakota; and
  - iii. One member recommended by the organization known as the “Three Affiliated Tribes of North Dakota” (composed of the Mandan, Hidatsa, and Arikara tribes).

The members of the Trust shall be appointed by the Secretary of the Army as representative members to the Task Force.

All representative members of the Trust shall be appointed for a two-year term of service; however, no member, unless authorized by the Secretary of the Army, may serve more than two consecutive terms of service. In addition, all Task Force members shall, with the exception of travel and per diem for official travel, serve without compensation.

13. Subcommittees: DoD, when necessary and consistent with the Task Force’s mission and DoD policies and procedures, may establish subcommittees, task groups, or working groups to support the Task Force. Establishment of subcommittees will be based upon a written determination, to include terms of reference, by the Secretary of Defense, the Deputy Secretary of Defense, or the Secretary of the Army, as the DoD Sponsor.

Such subcommittees shall not work independently of the Task Force and shall report all their recommendations and advice solely to the Task Force for full deliberation and discussion. Subcommittees, task groups, or working groups have no authority to make decisions and recommendations, verbally or in writing, on behalf of the Task Force. No subcommittee or any of its members can update or report, verbally or in writing, on behalf of the Task Force, directly to DoD or any Federal officer or employee.

The Secretary of Defense or the Deputy Secretary of Defense may approve the appointment of subcommittee members for a two-year term of service with annual renewals; however, no member, unless authorized by the Secretary of Defense, may serve more than two consecutive terms of service. These individuals may come from the Task Force or may be new nominees, as recommended by the Secretary of the Army and based upon the subject matters under consideration.

Subcommittee members, if not full-time or part-time Government employees, shall be appointed to serve as experts and consultants under the authority of 5 U.S.C. § 3109, and shall serve as special government employee members, whose appointments must be renewed by the Secretary of the Army, in consultation with the Secretary of Defense, on an annual basis. With the

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Missouri River (South Dakota) Task Force

exception of travel and per diem for official travel related to the Task Force or its subcommittees, subcommittee members shall serve without compensation.

Each subcommittee member is appointed to provide advice to the Government on the basis of his or her best judgment without representing any particular point of view and in a manner that is free from conflict of interest.

All subcommittees, task groups, or working groups shall operate under the provisions of FACA, the Sunshine Act, governing Federal statutes and regulations, and established DoD policies and procedures.

14. Recordkeeping: The records of the Task Force and its subcommittees shall be handled according to Section 2, General Records Schedule 26, and governing DoD policies and procedures. These records shall be available for public inspection and copying, subject to the Freedom of Information Act of 1966 (5 U.S.C. § 552, as amended).

15. Filing Date: February 22, 2013



**TAB D**

## **COORDINATION SHEET**

Missouri River (South Dakota) Task Force – Charter Renewal and  
Membership Balance Plan

DoD FACA Attorney to DA, ODCMO & ACMO

CROWLEY.  
ELAINE.C.1  
454427790

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Digitally signed by  
CROWLEY.ELAINE.C.1454427790  
DN: c=US, o=U.S. Government,  
ou=DoD, ou=PKL, ou=WHS,  
cn=CROWLEY.ELAINE.C.1454427  
790  
Date: 2015.02.19 14:15:35 -0500

POC: Betty Mosher/betty.j.mosher6.ctr@mail.mil/703-697-4555